AGENDA ITEM: 13-09 Hearing Officer's Report on Clarification of 02Q .0102 Permitting Exemption (509)

EXPLANATION:

A public hearing was held in Kannapolis, NC on January 15, 2013, to take public comments on amendments to 15A NCAC 02Q .0102. Mr. Benne Hutson was appointed and acted as the hearing officer for this hearing.

The Division of Air Quality (DAQ) identified the need for clarification regarding the interaction of the air toxics rule specific exemptions with the more broadly applicable rules regarding sources that are exempt from the general requirement to obtain a permit. 15A NCAC 02Q .0102, Exemptions (General Provisions), specifies which activities are exempt from the requirement to obtain an air quality permit. 15A NCAC 02Q .0702, Exemptions (Toxic Air Pollutant Procedures), specifies activities which are exempt from the requirement to obtain a permit to emit toxic air pollutants (TAP) and not required to be included in TAP demonstrations. The EMC has previously determined through rulemaking that many of the activities currently exempt from the general requirement to obtain a permit under 02Q .0102(c) should also be exempt from air toxics demonstration and permitting requirements as identified in 02Q .0702(a)(1)-(24). Existing language in 02Q .0102(b)(7) needs to be clarified to reflect this interaction relative to smaller sources such that small sources not be required to be included in an air toxics demonstration or permit retain the exemption from having to obtain an air quality permit.

15A NCAC 02Q .0102, Exemptions, is proposed for amendment to clarify the interaction between Rules 02Q .0102, Exemptions and 02Q .0702, Exemptions.

There were not any comments received on the proposed rules or fiscal note during the public comment period. No changes were made to the proposed rules as a result of the hearing.

RECOMMENDATION:

The Hearing Officer recommends that the Commission adopt the proposed rule as presented in Chapter II of the hearing record.